



Application No. 09/160,604
Response to Office Action

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

THE TITLE

The title has been amended to more clearly indicate the nature of the invention to which the claims are directed, as required by the Examiner.

THE CLAIMS

Claim 1 has been amended to recite the features of the present invention whereby an operation section is provided for instructing a release operation, and whereby a control section is provided for selecting the high speed mode first after a start of the release operation and for selecting the ordinary mode when the control section determines to fail to allow the focusing in the high speed mode. The recitation of the operation section is supported by the disclosure in the specification at, for example, page 10, lines 10-13, and the recitation of the control section is supported by the disclosure in the specification at, for example, page 29, lines 10-21.

In addition, claim 1 has been amended to make a few minor grammatical improvements to the recitation of the focusing

section, and to correct a minor antecedent basis problem with respect to the recitation of an entirety of the imaging plane.

Withdrawn claims 7 and 15, moreover, have also been amended to correct some minor antecedent basis problems. And with respect to the withdrawn claims, it is noted that the withdrawn claims all depend from generic claim 1 so that they should be entitled to consideration upon allowance of claim 1, as recognized by the Examiner in item 1 of the Office Action.

Still further, claims 16, 17 and 19 have been amended to depend from claim 1 and to better accord with the recitation of the control section in amended claim 1.

And claims 4, 17 and 20 have been canceled, without prejudice.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

THE PRIOR ART REJECTION

Claims 1 was rejected under 35 USC 102 as being anticipated by Parulski et al (USP 5,563,658); claims 4, 16 and 17 were rejected under 35 USC 103 as being obvious in view of the combination of Parulski et al and Suda et al (USP 6,088,060); and claims 18-20 were rejected under 35 USC 103 as being obvious in

view of the combination of Parulski et al, Suda et al and Toji et al (USP 5,694,168). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

Parulski et al discloses an image sensor which is operated first in a "fast flash" mode to focus a lens, and then in a normal readout mode to obtain a final still image. As recognized by the Examiner, this reference teaches performing focusing at a high speed frame rate.

It is respectfully submitted, however, that Parulski et al does not at all disclose, teach or suggest the feature of the present invention as recited in amended claim 1 whereby a control section is provided for selecting the high speed mode first after a start of the release operation and for selecting an ordinary mode when the control section determines to fail to allow the focusing in the high speed mode.

In item 5 of the Office Action, the Examiner cites Suda et al for the disclosure of operating in an ordinary mode when an in-focus state cannot be set in a high speed mode. It is respectfully pointed out, however, that Suda et al discloses an autofocus device which determines a size of a focus detecting area based on a given computation result and detecting a focus based on a signal of the determined focus area. Thus, the time interval (release time lag) from the start of the release

operation to an actual image pickup operation increases. This is a critical factor for a digital camera requiring a high speed capture. And it is respectfully submitted that Suda et al does not describe an operation from the start of a release operation to an actual exposure, and that Suda et al does not consider the above problem. In addition, it is respectfully pointed out that Suda et al describes a large number of selectable focus detecting areas which differ in conditions from the present invention.

According to the present invention as recited in amended claim 1, there are two selectable modes. At first, the high speed mode is selected after a start of the release operation, and then an ordinary mode is selected when the control section determines to fail to allow the focusing in the high speed mode. As a result, the focusing can be attained in the high speed mode in many cases, and even if the focusing cannot be attained in the high speed mode focusing can still be attained in the ordinary mode. It is respectfully pointed out, moreover, that the operation of the high speed mode of the claimed present invention corresponds to the computation for determining the size of the focus detecting area in Suda et al. This operation of the present invention can be performed at high speed. Thus, in the high speed mode, the focusing state is faster than in Suda et al. And still further, in the ordinary mode of the present invention,

the focusing can be performed at a speed equal to or higher than that of the ordinary operation of Suda et al.

In view of the foregoing, it is respectfully submitted that even if the teachings of Parulski et al and Suda et al were combinable in the manner suggested by the Examiner, the features of the present invention as recited in amended claim 1 would still not be achieved or rendered obvious.

Toji et al, moreover, has merely been cited for the disclosure of executing an auto-exposure operation when an in-focus state has been determined.

Accordingly, it is respectfully submitted that the present invention as recited in amended claim 1, as well as each of claims 2-3, 5-16, 18 and 19 respectively depending therefrom, patentably distinguishes over Parulski et al, Suda et al and Toji et al, taken singly or in any combination, under 35 USC 102 as well as under 35 USC 103.

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In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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